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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/695,900	10/25/2000	JON DAKSS	WMI-004CPI (8415/5)	3366

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EXAMINER

VU, NGOC K

ART UNIT PAPER NUMBER

2611

DATE MAILED: 06/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/695,900

Applicant(s)

DAKSS ET AL.

Examiner

Ngoc K. Vu

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 10-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 1/28/02, 5/13/04, 6/8/04, 9/27/04
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 11, 14, 15 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 11 recites the term "substantially" is vague so that it renders the claim being indefinite. Appropriate correction is required.

Claim 14 recites the limitation "the broadcast" in line 2. There is insufficient antecedent basis for this limitation in the claim. Appropriate correction is required.

Claim 15 recites the limitation "the image" in line 2. It is not clear which term "image" ("an image has associated with hyperlinked information" or "a television broadcast image" recited in claim 1) referred to. Appropriate correction is required.

Claim 18 recites the limitation "the content" in line 2. There is insufficient antecedent basis for this limitation in the claim. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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4. Claims 10 and 14-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Zigmond et al. (US 20050097622 A1).

Regarding claim 10, Zigmond discloses a method of indicating to a viewer of a hyperlinked television broadcast that a region of an image has associated therewith hyperlinked information (notifying the availability of Internet content with reference to logical address embedded within a broadcast television signal – see 0016), the method comprising: displaying an interactive content icon indicative that a region within a television broadcast image (within television program) has hyperlinked information (i.e., Internet content) associated therewith (see 0013, 0016, 0035, 0061 and figures 6-7).

Regarding claim 14, Zigmond discloses that the icon is displayed in response to the embedded logical address link in a broadcast television signal (see 0060, 0033).

Regarding claim 15, Zigmond discloses that the icon is displayed in response to viewing a different television program because the icon is displayed for a particular logical address link to its related content (see 0062).

Regarding claim 16, Zigmond discloses that the icon is displayed when HTML/Internet content has associated logical address link becomes visible in a web page (see 0063).

Regarding claim 17, Zigmond discloses that the icon is displayed for a viewer tuning a television program in after the beginning of the program via a remote control 11 (see 0042, 0062).

Regarding claims 18 and 19, Zigmond discloses that the icon indicates the availability of the logical address links to related content associated with television program (see 0013).

Regarding claim 20, Zigmond discloses that while the icon is displayed, the use may actuates a button on a user interface device, a panel appears on the screen. The panel includes two controls for ending the panel display and for linking to the web page. Zigmond further

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teaches the feature of switching between viewing a television program and viewing content related to that television program (see 0015, 0002, 0013).

Regarding claim **21**, Zigmond discloses that the icon is displayed as a translucent "i" icon (see 0013).

Regarding claim **22**, Zigmond discloses that the displaying of the icon lasts at most 15 seconds.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zigmond et al. (US 20050097622 A1) in view of Dunn et al. (US 5,648,824 A).

Regarding claim **11**, Zigmond shows a remoter control 11 allowing the user to control the client (see 0039). Zigmond does not disclose that the icon is displayed in a configuration similar to a subset of the buttons on the remote control. However, Dunn suggests that displaying icon 100 provides control buttons corresponding to buttons 70 on remote control 40 (see col. 5-6, lines 61-2 and figure 3). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Zigmond's system by displaying icon provides control buttons corresponding to buttons on remote control as suggested by Dunn in order to provide viewer an on-screen visual aid controlling presentation of video.

Regarding claim **12**, Zigmond as modified by Dunn further teaches that the icon is displayed with a visual effect that changed with time, simulating the action of depression one or more buttons of the remote control (see Dunn: col. 5, lines 53-60).

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Regarding claim 13, Zigmond as modified by Dunn further teaches that the icon includes a display of text that (see Dunn: figures 5-6).

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Wistendahl et al. (US 6,496,981 B1) teaches a system for allowing media content to be used as an interactive media program.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ngoc K. Vu whose telephone number is 571-272-7306. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ngoc K. Vu  
Primary Examiner  
Art Unit 2611

June 14, 2005